

Senate Engrossed

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 172

## **SENATE BILL 1250**

AN ACT

AMENDING SECTION 36-694, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 7.2, ARTICLE 2, ARIZONA REVISED STATUTES; RELATING TO MATERNAL AND CHILD HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-694, Arizona Revised Statutes, is amended to  
3 read:

4 36-694. Report of blood tests; newborn screening program; fee;  
5 definitions

6 A. When a birth or stillbirth is reported, the attending physician or  
7 other person required to make a report of the birth shall state on the  
8 certificate whether a blood test for syphilis was made ~~upon~~ ON a specimen of  
9 blood taken from the woman who bore the child or from the umbilical cord at  
10 delivery, as required by section 36-693, and the approximate date when the  
11 specimen was taken.

12 ~~B. When a birth is reported, the attending physician or other person~~  
13 ~~required to make a report on the birth shall order or cause to be ordered~~  
14 ~~tests for metabolic disorders. These tests shall be specified by rules of~~  
15 ~~the department of health services. These rules shall be adopted consistent~~  
16 ~~with the recommendation of a newborn screening program committee composed of~~  
17 ~~the director of the department of health services serving as chairman and~~  
18 ~~five physicians licensed under the provisions of title 32, chapters 13 and 17~~  
19 ~~and appointed by the director which shall include representation from the~~  
20 ~~medical specialties of endocrinology, pediatrics, family practice and~~  
21 ~~obstetrics. This committee shall review on an annual basis, or more~~  
22 ~~frequently if deemed necessary, the tests which are specified.~~

23 B. WHEN A BIRTH IS REPORTED THE ATTENDING PHYSICIAN OR PERSON WHO IS  
24 REQUIRED TO MAKE A REPORT ON THE BIRTH SHALL ORDER OR CAUSE TO BE ORDERED  
25 TESTS FOR CERTAIN CONGENITAL DISORDERS. THE RESULTS OF TESTS FOR THESE  
26 DISORDERS MUST BE REPORTED TO THE DEPARTMENT OF HEALTH SERVICES. THE  
27 DEPARTMENT OF HEALTH SERVICES SHALL SPECIFY IN RULE THE DISORDERS, THE  
28 PROCESS FOR COLLECTING AND SUBMITTING SPECIMENS AND REPORTING REQUIREMENTS  
29 FOR TEST RESULTS.

30 C. WHEN A HEARING TEST IS PERFORMED ON A NEWBORN, THE INITIAL HEARING  
31 TEST RESULTS AND ANY SUBSEQUENT HEARING TEST RESULTS MUST BE REPORTED TO THE  
32 DEPARTMENT OF HEALTH SERVICES AS PRESCRIBED BY DEPARTMENT RULES.

33 ~~C.~~ D. The director of the department of health services shall  
34 establish a newborn screening program within the department to assure that  
35 the testing FOR CONGENITAL DISORDERS AND THE REPORTING OF HEARING TEST  
36 RESULTS required by ~~subsection B~~ of this section ~~is~~ ARE conducted in an  
37 effective and efficient manner. THE NEWBORN SCREENING PROGRAM SHALL INCLUDE  
38 AN EDUCATION PROGRAM FOR THE GENERAL PUBLIC, THE MEDICAL COMMUNITY, PARENTS  
39 AND PROFESSIONAL GROUPS.

40 E. THE NEWBORN SCREENING PROGRAM SHALL ESTABLISH AND MAINTAIN A  
41 CENTRAL DATABASE OF NEWBORNS AND INFANTS WHO ARE TESTED FOR HEARING LOSS AND  
42 CONGENITAL DISORDERS THAT INCLUDES INFORMATION REQUIRED IN RULE.

43 F. IF TESTS CONDUCTED PURSUANT TO THIS SECTION INDICATE THAT A  
44 NEWBORN OR INFANT MAY HAVE A HEARING LOSS OR A CONGENITAL DISORDER, THE  
45 SCREENING PROGRAM SHALL PROVIDE FOLLOW-UP SERVICES TO ENCOURAGE THE CHILD'S

1 FAMILY TO ACCESS EVALUATION SERVICES, SPECIALTY CARE AND EARLY INTERVENTION  
2 SERVICES.

3 G. THE DIRECTOR SHALL ESTABLISH A COMMITTEE TO PROVIDE RECOMMENDATIONS  
4 AND ADVICE TO THE DEPARTMENT ON AT LEAST AN ANNUAL BASIS REGARDING TESTS THAT  
5 THE COMMITTEE BELIEVES SHOULD BE INCLUDED IN THE NEWBORN SCREENING PROGRAM.  
6 ANY RECOMMENDATION BY THE COMMITTEE THAT A TEST BE ADDED TO THE NEWBORN  
7 SCREENING PROGRAM SHALL BE ACCOMPANIED BY A COST-BENEFIT ANALYSIS.

8 H. THE COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS WHO ARE APPOINTED  
9 BY THE DIRECTOR AND WHO SERVE WITHOUT COMPENSATION OR REIMBURSEMENT OF  
10 EXPENSES AT THE PLEASURE OF THE DIRECTOR:

11 1. SEVEN PHYSICIANS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 13  
12 OR 17 AND WHO REPRESENT THE MEDICAL SPECIALTIES OF ENDOCRINOLOGY, PEDIATRICS,  
13 NEONATOLOGY, FAMILY PRACTICE, OTOTOLOGY AND OBSTETRICS.

14 2. A NEONATAL NURSE PRACTITIONER WHO IS LICENSED AND CERTIFIED  
15 PURSUANT TO TITLE 32, CHAPTER 15.

16 3. AN AUDIOLOGIST WHO IS LICENSED PURSUANT TO CHAPTER 17, ARTICLE 4 OF  
17 THIS TITLE.

18 4. A REPRESENTATIVE OF AN AGENCY THAT PROVIDES SERVICES UNDER PART C  
19 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

20 5. AT LEAST ONE PARENT OF A CHILD WITH A HEARING LOSS OR A CONGENITAL  
21 DISORDER.

22 6. A REPRESENTATIVE FROM THE INSURANCE INDUSTRY FAMILIAR WITH HEALTH  
23 CARE REIMBURSEMENT ISSUES.

24 7. THE DIRECTOR OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM OR  
25 THE DIRECTOR'S DESIGNEE.

26 8. A REPRESENTATIVE OF THE HOSPITAL OR HEALTH CARE INDUSTRY.

27 ~~H.~~ I. ~~The newborn screening program committee~~ DEPARTMENT OF HEALTH  
28 SERVICES shall prepare and issue a solicitation including a proposed contract  
29 format, at least once every four years, to contract for the testing OF  
30 CONGENITAL DISORDERS. The procurement shall comply with title 41, chapter  
31 23, with the following exceptions:

32 1. The contracts for these services are exempt from section 41-2511,  
33 subsection B.

34 2. Proposals may be accepted from hospitals, clinical laboratories  
35 licensed pursuant to ~~title 36~~, chapter 4.1, article 2, OF THIS TITLE, the  
36 state laboratory described in section 36-251, and any other qualified public  
37 or private persons.

38 3. ~~The newborn screening program committee~~ DEPARTMENT OF HEALTH  
39 SERVICES may negotiate price reductions in eligible proposals ~~so long as~~ IF  
40 offerors are given an equal opportunity to negotiate and negotiations are  
41 confidential in accordance with section 41-2534, subsection F.

42 ~~D.~~ J. The director may establish by rule a fee that the department  
43 may collect for operation of the newborn screening program, including  
44 contracting for the testing pursuant to ~~subsection C~~ of this section. This  
45 fee may not exceed twenty dollars for each specimen tested. THE FEE FOR THE

1 FIRST SPECIMEN AND HEARING TEST SHALL NOT EXCEED THIRTY DOLLARS. THE FEE FOR  
2 THE SECOND SPECIMEN AND HEARING TEST SHALL NOT EXCEED FORTY DOLLARS.

3 K. FOR THE PURPOSES OF THIS SECTION:

4 1. "INFANT" MEANS A CHILD WHO IS TWENTY-NINE DAYS OF AGE TO TWO YEARS  
5 OF AGE.

6 2. "NEWBORN" MEANS A CHILD WHO IS NOT MORE THAN TWENTY-EIGHT DAYS OF  
7 AGE.

8 Sec. 2. Repeal

9 Title 36, chapter 7.2, article 2, Arizona Revised Statutes, is  
10 repealed.

11 Sec. 3. Requirements for enactment; two-thirds vote

12 Pursuant to article IX, section 22, Constitution of Arizona, this act  
13 is effective only on the affirmative vote of at least two-thirds of the  
14 members of each house of the legislature and is effective immediately on the  
15 signature of the governor or, if the governor vetoes this act, on the  
16 subsequent affirmative vote of at least three-fourths of the members of each  
17 house of the legislature.

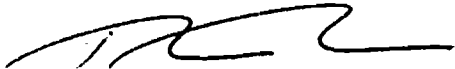

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

Passed the House April 18, 20 05,

by the following vote: 48 Ayes,


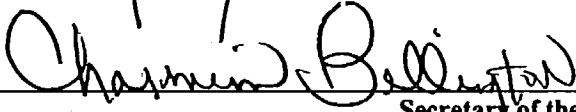
8 Nays, 4 Not Voting  
Article IX, Section 22

  
Speaker of the House  
Pro Tempore  
  
Chief Clerk of the House

Passed the Senate March 10, 20 05,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting  
with Art. IX, sec. 22

  
President of the Senate  
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19<sup>th</sup> day of April, 20 05

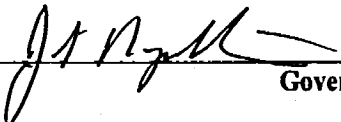
at 12:05 o'clock P M.

  
Secretary to the Governor

Approved this 22 day of

April, 20 05,

at 1:55 o'clock P M.

  
Governor of Arizona

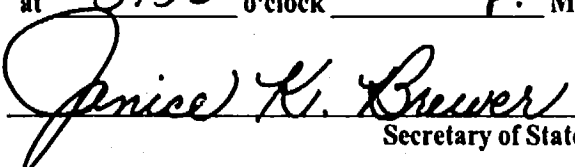
S.B. 1250

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 20 05,

at 3:53 o'clock P M.

  
Secretary of State